

3820. Adulteration of oats. U. S. * * * v. 2 Carloads of Oats. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6243. I. S. Nos. 11470-k, 13775-k. S. No. E-199.)

On January 25, 1915, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 carloads of oats, remaining unsold and on board the cars at Richford, Vt., alleging that the product had been shipped on January 20, 1915, by Fagg & Taylor, Milwaukee, Wis., and transported from the State of Wisconsin into the State of Vermont en route to the State of Maine, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the oats had been adulterated by the introduction, addition, and substitution in part of water, so as to reduce, lower, and injuriously affect the quality and strength of said oats; that the same had been further adulterated by the introduction, addition, and substitution in part of another grain called barley, so as to reduce, lower, and injuriously affect the quality and strength of said oats; and that there had been so introduced, added, and substituted as above set forth 7.5 per cent of said grain called barley; further, for the reason that said carloads of oats contained a greater amount of water than oats properly so-called contain, and said bulk oats so-called in said two cars also contained 7.5 per cent of barley; that another substance, namely, water, had been substituted in part for oats; and that another substance, namely, a grain called barley, had been substituted in part for oats throughout both of said cars, and said so-called oats were therefore adulterated within the meaning of the Food and Drugs Act.

On February 23, 1915, the said Fagg and Taylor, a copartnership, claimants, Milwaukee, Wis., having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released and delivered to said claimants, or their nominee, upon the execution and filing of a bond in the sum of \$1,000, in conformity with section 10 of the act, upon payment of the costs, upon amending the bill of lading and invoice covering said two carloads of oats, if necessary, and upon reducing the water content of said oats to 14 per cent or less of the entire bulk thereof, under the supervision of an inspector of the Department of Agriculture.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 10, 1915.